

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE NAMENDA INDIRECT PURCHASER
ANTITRUST LITIGATION

[SBF Action]

C.A. No. 15-cv-6549-CM-RWL

**DEFENDANTS' NOTICE OF MOTION AND MOTION SEEKING CLARIFICATION
OF THE COURT'S DECISION AND ORDER GRANTING IN PART DEFENDANTS'
DAUBERT MOTION TO EXCLUDE THE TESTIMONY OF SUSAN MARCHETTI**

PLEASE TAKE NOTICE that Defendants Forest Laboratories, LLC, Actavis plc, Merz GmbH & Co KGaA, Merz Pharmaceuticals GmbH, and Merz Pharma GmbH & Co. KGaA respectfully move this Court for an order clarifying that the Court's Decision and Order Granting in Part Defendants' *Daubert* Motion to Exclude the Testimony of Susan Marchetti. Specifically, Defendants seek clarification that the Court's February 2021 *Daubert* Ruling does not mean Dr. William Vogt can rely on Ms. Marchetti's later excluded opinion. Defendants seek further clarification that Dr. Vogt's November 2012 entry-date opinions are excluded because they rely on the excluded opinions of Ms. Marchetti. This motion is brought pursuant to the Federal Rules of Civil Procedure and the Federal Rules of Evidence. It is based upon this Notice of Motion, the accompanying Memorandum of Law in Support of Defendants' Motion Seeking Clarification of the Decision and Order Granting in Part Defendants' *Daubert* Motion to Exclude the Testimony of Susan Marchetti, authorities that may be presented at or before any hearing on this motion, and such other and further matters as this Court may consider.

Date: June 30, 2022
New York, New York

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